

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELOHIM EPF USA, INC.,

Plaintiff,

19-cv-2431 (PKC)

-against-

ORDER

162 D & Y CORP., et al.,

Defendants.

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CASTEL, U.S.D.J.

The parties have to come to agreement on waiving a jury in this action and the Court has entered their agreement as an Order of the Court (ECF 308).

Plaintiff had estimated the length of a bench trial of the action to be three days, and defendants, who, at the time, were seeking a jury trial, estimated the length to be five days. As the parties are aware from the undersigned's Individual Practices, bench trials are efficiently conducted with the use of direct testimony by affidavit of witnesses within a party's control, subject to live cross-examination. To give the parties time to prepare and file their witnesses direct testimony, the Court ORDERS as follows:

1. The Order of March 23, 2023 is VACATED. Trial will commence on July 14, 2023 at 10 a.m. and continue July 17 and 18, 2023 and on such other additional days as the Court may direct.
2. Plaintiff's direct testimony by affidavit of all witnesses within its control shall be filed, together with a trial brief, by June 23, 2023.
3. Defendants' direct testimony by affidavit of all witnesses within their control shall be filed, together with a trial brief, by June 30, 2023.

4. Direct testimony by affidavit of any proposed rebuttal witness shall be filed by plaintiff by July 7, 2023.
5. Submissions 2 through 4 above shall be filed on ECF, with two hard copies delivered to Chambers, as well as a version of the text of the submissions on a CD or DVD in Microsoft Word format (excluding exhibits, which may be in PDF).
6. Because of the submission of trial briefs, opening statements will not be necessary, although the Court may have preliminary questions for the parties.

SO ORDERED.



P. Kevin Castel
P. Kevin Castel
United States District Judge

Dated: New York, New York
June 1, 2023